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*Attorneys for American Federation of State, County
and Municipal Employees, AFL-CIO*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PEARISON WOODS,

Plaintiff,

vs.

AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES,
AFL-CIO; and AMERICAN FEDERATION
OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES LOCAL 4041,

Defendants.

Case No: 2:23-cv-01934-RFB-DJA

**DEFENDANT AMERICAN
FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES, AFL-
CIO'S MOTION FOR EXEMPTION
FROM PERSONAL ATTENDANCE AT
EARLY NEUTRAL EVALUATION
CONFERENCE AND TO PERMIT
VIRTUAL ATTENDANCE**

Defendant AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO ("Defendant" or "AFSCME"), by and through its attorneys at LIPSON NEILSON P.C., hereby respectfully requests an exception to the early neutral evaluation ("ENE") personal attendance requirements as stated in the "Court's Order Resetting Early Neutral Evaluation Session (Amends ECF No 13)" (ECF No. 23). Specifically, AFSCME requests the Honorable Court enter an order excusing personal attendance and allowing representatives for Defendants and the insurer carrier to appear telephonically or virtually (video conference) for the ENE.¹

Fernando Colon, Esq, Associate General Counsel for AFSCME, is responsible for this matter on behalf of AFSCME. Mr. Colon resides in the Washington, DC area

¹ Notably, the parties stipulated to continue the ENE from March 28, 2024 based on calendar conflicts of counsel.

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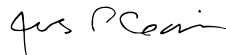
1 and he manages litigation all over the country. It would be a significant burden of time
 2 (likely 3 days) and expense (likely in excess of \$3,000) for Mr. Colon to travel to Las
 3 Vegas, Nevada for the ENE. Nevertheless, Mr. Colon has participated in many court
 4 conferences, mediations, ENEs, and settlement conferences on a virtual basis. He is
 5 fully familiar with the time and attention necessary for the ENE process. Should the
 6 Court permit his virtual attendance, Mr. Colon will be available virtually throughout the
 7 entire duration of the ENE and will participate in good faith.

8 In addition, AFSCME's insurer is Travelers Insurance. The Claim Executive
 9 assigned to this case is Ms. Patty Dail who resides on the east coast. She also has
 10 significant experience with court conferences, mediations and settlement conferences
 11 and understands the time and attention needed for the ENE process. Her husband
 12 frequently travels for work and has long been scheduled to travel the week of March 25.
 13 She has family obligations with 2 small children. It would be a significant burden of time,
 14 expense and personally if Ms. Dail were required to personally attend the ENE. She will
 15 be available virtually by telephone for the duration of the ENE, and will participate in
 16 good faith.

17 Wherefore, Defendant AFSCME respectfully requests this Court for an Order
 18 allowing its representative, Mr. Fernando Colon, Esq., and its carrier, represented by
 19 Ms. Patty Dail, to appear telephonically or by virtually for the early neutral evaluation.

20 DATED this 11th day of March, 2024.

21 LIPSON NEILSON P.C.

22 

23 By:

24 JOSEPH P. GARIN, ESQ.
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25 *Attorneys for American Federation of State,
 26 County and Municipal Employees, AFL-CIO*
 27
 28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of March, 2024, service of the foregoing
**DEFENDANT AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
 EMPLOYEES, AFL-CIO'S MOTION FOR EXEMPTION FROM ATTENDANCE AT
 EARLY NEUTRAL EVALUATION CONFERENCE AND TO PERMIT VIRTUAL
 ATTENDANCE** was made upon each party in the case who is registered as an
 electronic case filing user pursuant to Fed. Rule Civ. P. 5(b)(3), and Local Rule 5-4, as
 follows:

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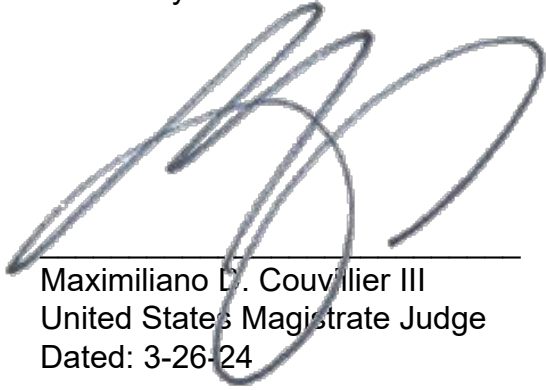
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 Employees, Local 4041*

/s/ Michele Stones

An Employee of LIPSON NEILSON P.C.

IT IS SO ORDERED. No opposition filed. The motion is granted.
 Local counsel for defendants must appear in person. Defendants'
 counsel is responsible for coordinating the telephonic or virtual
 appearances of Fernando Colon and Patty Dail at the ENE.


 Maximiliano D. Couvillier III
 United States Magistrate Judge
 Dated: 3-26-24

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